

Philip Isenberg, Chair  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA  
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January 24, 2011

**Re: Comments on Notice of Preparation for an EIR on the Delta Plan**

Tuleyome is a 501(c)(3) non-profit corporation based in Yolo County, where our concerns embrace the environmental resources and the decision-making process that affect the north Delta. We are pleased to submit scoping comments in response to the Council's December 10 Notice of Preparation. This is an important moment for the Council and the Bay-Delta ecosystem. The Delta's ecosystem is in a state of ongoing collapse and there are concerns regarding the long-term physical stability of the Delta. Drafting a visionary and effective Delta Plan will require the careful consideration of a wide range of alternative actions, including significant new directions in water management.

We recommend that the Council use the following broad recommendations to guide the development of the draft Delta Plan and a draft EIR that analyzes an appropriately broad set of alternatives.

- **Restoring Adequate Flows for the Delta and Fisheries:** The Council should clearly recognize that the Bay-Delta system is over-appropriated and that ecosystem restoration will require stronger flow standards and reductions in average annual diversions. The evaluation of alternative Delta conveyance facilities (see the following recommendation) must be consistent with the best available peer reviewed science and include a protective operational scenario guided by the State Water Board's flow criteria.
- **Analyze a Full Range of Conveyance Facilities:** The Council should clarify the meaning of the term water supply reliability. Specifically, the Council should clearly state that the purpose of state and federal investigations of a Delta isolated facility is to decrease the physical vulnerability and increase the predictability of Delta supplies, not to increase average annual Delta exports. Investigations of new Delta water conveyance facilities must evaluate a full range of capacities (3,000-15,000 cfs), operations, and costs at a common level of detail, as well as an alternative that would not include a new conveyance facility.
- **Reducing Reliance on the Delta and its Watersheds:** Recognize that California has dramatic opportunities to invest in regional water supplies (e.g. agricultural and urban conservation, wastewater recycling, groundwater management and urban stormwater

capture) that can allow the state to meet its future needs, while simultaneously facilitating the restoration of the Delta ecosystem and its watersheds.

- **Restoring and Protecting Habitat:** Include an ambitious, large-scale habitat restoration effort in the Delta and upstream, undertaken through a phased approach and a process that includes local communities in the planning process. Habitat restoration and protection must complement, not replace, improvements in flow conditions. A similar approach to phasing can help in other areas as well, such as strengthening flow requirements and investing in regional self-reliance.
- **Enforcing Existing Water Pollution Control Laws.** Commit to full implementation and enforcement of state and federal laws to protect both surface water and groundwater quality. The state is failing to meet existing standards to protect Bay-Delta surface water and groundwater quality, and is lagging in the development of new standards and pollutant loads needed to ensure the health of the estuary's waters. Contaminants such as salt, selenium, mercury, nutrients and pesticides pollute drinking water and damage the health of the Delta, and the damage is mounting (for information see URL: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)).
- **Grounding the Delta Plan in Biological Objectives:** Base the Delta Plan on the development of SMART (specific, measurable, achievable, relevant to the goal, and time bound) biological objectives to guide and measure ecosystem recovery. These objectives should be developed using the "logic chain" and the April 29, 2010 federal "White Paper on Application of the 5-point Policy To the Bay Delta Conservation Plan." Those objectives should serve as the foundation for designing projects, analyzing the effects of major decisions, monitoring, and adaptive management. Finally, these objectives should include a full range of species (e.g. doubling fall-run salmon) and ecosystem functions, not just listed species.
- **Basing the Plan on the Best Available Science:** Include a strong emphasis on science, particularly on ensuring that the results of the best available science are actually incorporated into decision-making. In the past, careful scientific reviews have frequently not been incorporated into key agency decisions.
- **Incorporating Economics and Financing:** Include a strong focus on economics and a "beneficiary pays" approach to financing. We offer three specific examples. First, investigations of Delta facilities should consider cost-effectiveness, not just maximum diversions. A "beneficiary pays" approach requires that export water users pay for the costs associated with planning, capitalization, finance, operations and maintenance, and mitigation. Second, a package of targeted water fees is essential to accomplish ecosystem restoration and Delta flood management improvements. Third, a reduction in subsidies and movement toward full-cost pricing can significantly improve water use efficiency.
- **Establishing Equitable Governance:** Ensure that major Delta decisions are reached through efforts designed to include all stakeholder groups with a legitimate stake in the outcome. In the past, water exporters have all too often dominated key decision-making forums and some groups have been excluded.
- **Achieving Environmental Justice:** Assure that all policies are designed to comply with environmental justice standards by avoiding negative impacts and assuring equitable benefits to environmental justice communities. Achieving environmental justice must be founded on early engagement of EJ communities in the planning and development of the plan and any mitigation plans that are necessary.

Thank you for considering the above and the attached comments. We look forward to providing additional comments and to working with the Council in the development of the Delta Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Schneider', with a long horizontal flourish extending to the right.

Bob Schneider

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